

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

Raleigh Spizman, *individually*, and
Robert Spizman, *individually*,

Civil No. 14-cv-3568 (MJD/TNL)

Plaintiffs,

v.

ORDER

BCBSM, Inc. *d/b/a* Blue Cross Blue
Shield of Minnesota,

Defendant.

Damon L. Ward, Ward Law Group, 301 Fourth Avenue South, Suite 378N,
Minneapolis, MN 55415, Counsel for Plaintiffs; and

Kathy S. Kimmel and Marie L. Van Uitert, Oppenheimer Wolff & Donnelly LLP,
222 South Ninth Street, Suite 2000, Minneapolis, MN 55402, Counsel for
Defendant.

The above matter comes before the Court upon the Plaintiffs' Objections to
the Report and Recommendation of United States Magistrate Judge Tony N.
Leung dated June 4, 2015 in which he recommends that Defendants' motion to
dismiss be granted in part.

Pursuant to statute, the Court has conducted a de novo review upon the record. 28 U.S.C. § 636(b) (1); Local Rule 72.2(b). Based upon that review, the Court **adopts** the Report and Recommendation [Doc. No. 26] of United States Magistrate Judge Leung dated June 4, 2015.

IT IS HEREBY ORDERED that Defendant's Motion to Dismiss Plaintiffs' First Amended Complaint [Docket No. 10] is **GRANTED** with regard to Counts I, II, V, and VI, and **DENIED** as to all other counts.

Date: July 27, 2015

s/ Michael J. Davis

Michael J. Davis

United States District Court